

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN TUCKER, ANGELA MILLER,  
JOVAN HANEY, LEON BRADLEY, ARIEN  
JACKSON, WILLIAM STRICKLAND,  
OSCAR GREEN, MIKE JACKSON, KEVIN  
RIDDLE, AVERY ANDERSON, TRACI  
DANSBERRY, CARLOS ZIMMERMAN,  
CHRIS DARGIN, and KIMBERLY  
WAFFORD on behalf of themselves and others  
similarly situated,

Plaintiffs,

and EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION and  
PEARLE PHILLIPS,

Plaintiffs,

vs.

WALGREEN COMPANY,

Defendant.

Case No.: 05-cv-440-GPM  
consolidated with 07-cv-00172

Chief Judge G. Patrick Murphy  
Magistrate Clifford J. Proud

**PLAINTIFF EEOC'S MEMORANDUM IN SUPPORT OF  
UNOPPOSED MOTION FOR ENTRY OF CONSENT DECREE**

Plaintiff, the Equal Employment Opportunity Commission, respectfully submits this Memorandum in support of it previously filed Unopposed Motion for Entry of Consent Decree (Doc. 123).

## **I. INTRODUCTION**

On July 12, 2007, EEOC filed its Unopposed Motion for Entry of Consent Decree (Doc. 123), attaching the [Proposed] Consent Decree negotiated by the parties. On the same day, the plaintiffs in the consolidated case, action # 05-cv-440-GPM (the “Tucker plaintiffs”), filed their Motion for Preliminary Approval (Doc. 122) of the same proposed Consent Decree. On October 5, 2007, the Court entered a Memorandum and Order (Doc. 125) taking the EEOC’s Motion under advisement, granting the Tucker plaintiffs’ Motion for Preliminary Approval, and setting the matter for a Final Fairness hearing on March 24, 2008.

EEOC now requests that the Court grant final approval to the settlement in this case under the terms of the proposed Consent Decree. When the risks and uncertainties of continued litigation are compared with the benefits conferred on the class members by the settlement, it is clear that the settlement is a fair, adequate, reasonable and just resolution of the matter.

## **II. ARGUMENT**

EEOC agrees with and hereby incorporates by reference the argument set forth by the Tucker plaintiffs in “Plaintiffs’ Motion for an Order Granting (1) Final Approval of Class Action Settlement; (2) Final Certification of Settlement Class; (3) Entry of Consent Decree; (4) Final Approval and Award of Enhancement Awards; and (5) Final Approval and Award of Plaintiffs’ Attorneys’ Fees, Costs and Expenses, and Memorandum of Point and Authorities in Support of Motion” (Doc. 129), and particularly those argument set forth in Section A (“The Settlement and Consent Decree Provide More Than ‘Fair, Reasonable and Adequate’ Relief to the Class on the Claims Made in This Action.”) of the argument set forth in the Memorandum of Points and Authorities. *See also*, Declaration of Jean P. Kamp in support of the Tucker Plaintiffs’ Motion.

In addition to the above, the EEOC's involvement in negotiating the settlement and support for the Consent Decree is further evidence that the settlement is proper. The EEOC has no interest in this litigation other than ensuring that the victims of discrimination are appropriately compensated and that employment discrimination is eradicated. *See Gen. Tel. Co. of the Northwest v. EEOC*, 446 U.S. 318, 326 (1980) ("When the EEOC acts, albeit at the behest of and for the benefit of specific individuals, it acts also to vindicate the public interest in preventing employment discrimination.") Because EEOC was a full partner in negotiating the settlement and wholly supports the agreement having only those interests in mind, the Court may consider this as evidence that the settlement is in the best interest of the class. *See Mendoza and United States v. Tucson Sch. Dist., No. 1*, 623 F.2d 1338, 1353 (9<sup>th</sup> Cir. 1980) (participation of a government agency in the negotiations and settlement serves to protect the interests of the class against possible improper dealings) (*disapproved of on other grounds by Evans v. Jeff D.*, 475 U.S. 717, 725 (1986)).

### III. CONCLUSION

For the foregoing reasons, the EEOC respectfully requests that this Court grant final approval to the Consent Decree.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on March 17, 2008, I electronically filed the above and foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following CM/ECF participants:

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